

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/720,879

REMARKS

Claims 1-30 are all the claims pending in the application. Claims 1-10 are withdrawn from consideration on the basis of an election made by the Applicants. Claims 11-30 are rejected. Applicants have amended claims 11-30.

Election/Restrictions

The Examiner has acknowledged Applicants' election of claims 11-30 for examination as well as Applicants' traversal of the requirement. The Examiner makes the requirement final because it is asserted that claim 1 is either obvious or anticipated by USP 5,337,917. The Examiner asserts that the common linking feature, a coarse dirt collector, does not provide a contribution over the prior art and no single general inventive concept exists. Thus, claims 1-10 are withdrawn from consideration.

Claim Objections

The Examiner objects to claim 29 because it depends from a withdrawn claim and is directed to different statutory subject matter from the parent claim. The Examiner correctly notes that the stated dependency was the result of a typographical error. This error has been corrected and the claim is made dependent on claim 11.

Claim Rejections – 35 USC 112

Claims 11-30 are rejected under 35 USC 112, second paragraph, as being indefinite.
This rejection is traversed for at least the following reasons.

The Examiner has identified several instances of indefiniteness in several of the claims. Applicants have endeavored to use terminology that is more consistent with U.S. practice. Applicants respectfully submit that the bases for this rejection have been corrected and that the rejection should be withdrawn.

In amending all of the rejected claims, Applicants have defined the invention as a "coarse dirt collecting apparatus" (7) that has a collector (9, 11) and a "moving means" in the form of a support apparatus (8, 10).

An additional change has been made to claim 17, and support therefor may be found at page 9, lines 8-9 and Fig. 1.

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Claim Rejections – 35 USC 102

Claims 11-19 and 24-29 arerejected under 35 USC 102(b) as being anticipated by Wiljan (5,377,917). This rejection is traversed for at least the following reasons.

The basic difference of the present invention to the prior art document is that there is a single unitary movement of the collector from its picking up position within the pulper up to its dropping position outside the pulper and back again. Contrary to this the kinetics of **Wiljan** is completely different as follows:

- a) swinging up of the collector by approximately 90° rigid together with the collector arm over the rim of the pulper (x-z plane);
- b) swing out of the pulper (rigid together with its arm) up to a position over a dropping funnel (x-y plane);
- c) turning of only the collector about the axis of the collector (y-z plane).

All three different movements are performed about three different turning axis and therefore require three different independent drives. Further, the prior art kinetics require a completely different construction.

Contrary to that with the present invention the dirt collector and its arm are permanently rigidly connected to each other. With the present invention there is no independent and relative turning of the dirt collector with regard to the collector arm as with the old pre-known system.

The advantages of the inventive concept compared to **Wiljan** are essentially as follows:

- a) The inventive concept requires only one drive and therefore less maintenance, has lower wear and lower costs.
- b) The operation of the dirt collector from scooping up to dropping can be performed at a higher speed and therefore a higher capacity of dirt re-movement can be achieved. With the present invention, efficiency for removal of material can be double that of **Wiljan**.

Claim Rejections – 35 USC 103

Claims 11-19 and 24-29 arerejected under 35 USC 103(a) as being unpatentable over Wiljan (5,377,917). This rejection is traversed for at least the following reasons.

There is no teaching or suggestion in **Wiljan** that it may be modified to provide the relationship between collector and moving arms that offers the single unitary movement of the

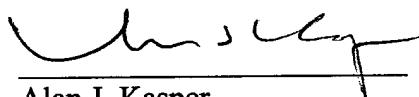
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collector, as described above. Similarly, there is no motivation for such modification. Thus, the obviousness rejection should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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